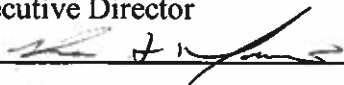



FROM	Name & Title	Reginald Moore, Executive Director 	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Department of Recreation and Parks (BCRP) 3001 East Drive Baltimore, MD 21217		
	Subject:	Governmental/Charitable Solicitation Application: H.P. Rawlings Conservatory general fundraising solicitation via Baltimore Civic Fund		

TO: Honorable President and Members of the Board of Estimates, Office of the Comptroller

Date: 2/25/2022

Action Requested of the Board of Estimates:

The Department of Recreation and Parks respectfully requests the Board of Estimates to approve/endorse the Governmental/Charitable Solicitation Application for H.P. Rawlings Conservatory (HPRC) fundraising via the Baltimore Civic Fund (BCF). Board of Estimates approval/endorsement is required for HPRC's online fundraising program to remain in compliance with the Board of Ethics of Baltimore City.

Period of contract/agreement: N/A (ongoing since 2011)

Background/Explanation:

This application is for BCRP to affirm approval to solicit funds for the Rawlings Conservatory via the Baltimore Civic Fund. Approval from the Board of Estimates is required to gain approval from the Board of Ethics and comply with Baltimore City ethics law. Solicitation of funds has been and will be used for key projects, facility repairs, system enhancements, and museum collection enhancements. Since 2011, HPRC's BCF account has grown by between \$2,000 and \$10,000 per year. Funds are used 1) for supplies and services to enhance HPRC's operations and public/educational programs; and 2) to purchase materials or services required to improve landscaping, museum collections, building conditions, and systems at HPRC's campus within Druid Hill Park. HPRC's campus comprises of a historic greenhouse complex (est. 1888) and public garden. The indoor and outdoor gardens serve as an important local/regional recreational facility and historic site. HPRC provides educational and other programming related to plants, ecology, environmental conservation, and greening.

Donations are made to the BCF on behalf of HPRC via an online "donate" button and via check. The "donate" button on the Rawlings Conservatory's website directs donors to BCF's "donate" page, HPRC program. Potential donors encounter the button via our website, social media, newsletter stories, and other indirect methods. The methods of distribution of solicitations mean that donors are self-selected rather than targeted. Potential donors who are controlled donors with respect to the City Council, Board of Estimates, and as defined by Board of Ethics law are not targeted, singled out, or directly solicited in any way.

MBE/WBE Participation: N/A

Affected Council District: Citywide

Employ Baltimore: N/A

Local Hiring: N/A

Living Wage: N/A

1% for Public Art: N/A

Finance has reviewed:

Law Department Has Reviewed:

Minority and Women's Business Opportunity Office has reviewed:

Audits has reviewed:

Approved by the Board of Estimates:

A handwritten signature in black ink, appearing to read "M. Amato".

Signature

4/6/2022

Date



BALTIMORE CITY ETHICS BOARD

635 City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
(410) 396-7986
ethics@baltimorecity.gov

GOVERNMENTAL/CHARITABLE SOLICITATIONS – APPLICATION FOR APPROVAL

DIRECTIONS AND GENERAL INFORMATION

NOTE: *Bold-italicized terms* are defined at the end of these Directions.

I. BACKGROUND

Article 8, § 6-26 {"Gifts: Solicitation prohibited"} generally prohibits any *public servant* from soliciting or facilitating the solicitation of a *gift*, "whether on the *public servant's* own behalf or on behalf of another *person*," from any *person* that the *public servant* "knows or has reason to know" is a *controlled donor*. Article 8, § 6-27 {"Gifts: Acceptance prohibited"} further prohibits any *public servant* from accepting a *gift*, even if unsolicited, from any *person* that the *public servant* "knows or has reason to know" is a *controlled donor*.

These prohibitions have long been recognized to apply even if the "gift" is being solicited to support a governmental function or charitable endeavor. An exception was enacted in 2005 to permit certain solicitations that are "for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity" and have been pre-approved by the Ethics Board.

More recently, the Ethics Board adopted Regulation 06.26 to standardize and clarify the requirements and procedures for invoking this exception. (The full text of the Regulation is appended to City Code Article 8, accessible online through the Ethics Board's website: <http://ethics.baltimorecity.gov>.)

II. GENERAL STANDARDS FOR APPROVAL

Ethics Regulation 96.26B sets out the following general standards for Ethics Board approval:

1. The solicitation must be for the exclusive benefit of a governmental or charitable function, program, or activity.
2. **The program, function, or activity to be benefitted and the proposed solicitation campaign must have been endorsed by the Board of Estimates or its designee(s).**
3. The solicitation must be directed at a broad range of potential donors and may not specially target *controlled donors*.

4. The campaign must be designed and conducted so as to avoid any suggestion that contributors might receive special access or favored treatment from any City *agency* or any *public servant*.
5. The solicitation must be approved in advance by the Ethics Board, on written request of the *sponsoring agency*.
6. The solicitation must be conducted in accordance with the terms and conditions of the Ethics Board's approval.

II. WHEN AND WHERE TO APPLY

An application for Ethics Board approval must be submitted to the Ethics Board at least 45 days before any *controlled donor* is solicited, directly or indirectly.

III. ACTIVITY REPORTS AND RECORDS

The *sponsoring agency* must periodically report solicitation activities to the Ethics Board, as follows:

1. A Final, Cumulative Report must be filed within 30 days after all solicitations have been made and anticipated donations received.
2. Interim Reports must be filed on the following schedule, depending on the aggregate value of donations sought by the campaign:
 - (i) for campaigns seeking \$50,000 or more in donations, once every 3 months;
 - (ii) for campaigns seeking between \$5,000 and \$50,000, once every 6 months; and
 - (iii) for campaigns seeking less than \$5,000, only the Final Report is required.

The *sponsoring agency* must make and maintain detailed records to assure complete reporting of all of the information required to be disclosed in the Reports. (See Form 627.)

IV. FORMS AND INFORMATION

Additional forms and instructions for the application and activity reports are available on the Board's Website, <http://ethics.baltimorecity.gov>.

Any questions about the scope or applicability of the City Ethics Code should be directed to the Board, at 635 City Hall (410-396-7986).

DEFINITIONS OF TERMS

All defined terms are indicated by *bold italics*.

“Agency”/ “City agency”.

(a) *General.*

“Agency” or “City agency” means any department, board, commission, council, authority, committee, office, or other unit of City government.

(b) *Inclusions.*

“Agency” or “City agency” includes:

- (1) Baltimore City Parking Authority.
- (2) Baltimore Development Corporation.
- (3) Baltimore Police Department.
- (4) Board of Liquor License Commissioners for Baltimore City.
- (5) Civilian Review Board of Baltimore City.
- (6) Enoch Pratt Free Library of Baltimore City.
- (7) Housing Authority of Baltimore City.
- (8) Local Development Council, South Baltimore Video Lottery Terminal.
- (9) Pimlico Community Development Authority.
- (10) Any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

“Controlled donor”.

“Controlled donor” means any *person* that:

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with an *agency*; or

(ii) with another *person* in connection with or in furtherance of that other *person’s* contract with an *agency*;

- (2) engages in an activity that is regulated or controlled by an *agency*;
- (3) is a lobbyist with respect to matters within the jurisdiction of an *agency*;
- (4) has a financial interest that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of an *agency*; or
- (5) is an owner, partner, officer, director, trustee, employee, or agent of any person described in items (1) through (4).

“Gift”.

“Gift” means the transfer of any thing or any service of economic value, regardless of the form, for less than adequate, identifiable, and lawful consideration. “Gift” does not include political contributions that are regulated under state law.

“Person”.

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, corporation, or other entity of any kind;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (4) except as used in Subtitle 9 {“Enforcement”} of this article for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

“Public servant”.

“Public servant” means any official or employee of the City of Baltimore or of any *agency* of the City.

“Sponsoring agency”.

“Sponsoring agency” means:

- (1) the City *agency* that, under Ethics Code § 6-26(b) and Board Regulation R 06.26, seeks to conduct a solicitation for an official governmental program or activity or for a charitable function or activity; or
- (2) if more than one City *agency* is involved, the *agency* designated to coordinate the solicitation.



BALTIMORE CITY ETHICS BOARD

635 City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
(410) 396-7986
ethics@baltimorecity.gov

**GOVERNMENTAL/CHARITABLE SOLICITATIONS –
APPLICATION FOR APPROVAL**

NAME OF BENEFITTED PROGRAM / CHARITY: H. P. Rawlings Conservatory (BCF prgm #169-00)

PART A. SPONSORING AGENCY

Name Baltimore City Dept of Rec & Parks

Address 1 N. Charles Street, Suite 1600, Baltimore, MD 21201

Contact Person / Coordinator Ann Green

Telephone 410-396-0008 Email ann.green@baltimorecity.gov

PART B. PURPOSE OF PROPOSED SOLICITATION:

I. Identify the specific governmental or charitable program, function, or activity for which solicitations will be made:

Howard Peters Rawlings Conservatory (HPRC); Baltimore Civic Fund prgm #169-00

II. Describe the specific purposes to which contributions and other receipts will be applied:

HPRC was directed to be innovative in creating new funding sources and generating revenue to support our operations and the services we provide to the public. In 2010, we established an account with the BCF so funds raised from special events and donations could be deposited in an account to directly benefit the Conservatory. The 501(c)(3) status bolsters donor confidence that funds go to HPRC. Raised funds are used for key projects, facility reparis, system enhancements, and museum collection enhancements.

III. Select the appropriate range for the aggregate value of the contributions sought:

- \$500,000 or more
- between \$150,000 and \$500,000
- between \$50,000 and \$150,000
- between \$5,000 and \$50,000
- less than \$5,000

PART C. CITY ENDORSEMENT

By: Board of Estimates Designee of B/E: _____
Date and Manner of Endorsement: pending

Attach Copy of Written Endorsement

PART D. WHEN AND HOW SOLICITATION TO BE CONDUCTED

- I. Proposed starting date of solicitation efforts:** ongoing
- II. Proposed ending date of solicitation efforts:** ongoing

III. Describe the categories of persons to be solicited and by whom and how those solicitations will be made:

~~The persons to be solicited are: _____
HPRC Website & BCF Website visitors via static "donate" button on website. _____
HPRC social media followers, encouraged to visit static "donate" button on website. _____
HPRC newsletter subscribers, encouraged to visit static "donate" button on website. _____
Mailing address of BCF (for checks) supplied to members of public upon request. _____
For above, "donate" button redirects to our program's donation page on BCF's website. _____~~

IV. Identify all *public servants* who will be soliciting contributions

~~Whoever manages HPRC's website, social media, and newsletter. At this time, Ann Green. _____~~
~~Regarding item B III above: Donors typically donate around \$5,000 per year. In 2013 (our 125th anniversary), donations were closer to \$10,000. _____~~
~~Regarding part D I & II above: donations have been ongoing since 2011. _____~~

V. Describe measures to be taken to ensure that the solicitation (i) will be directed at a broad range of donors and (ii) will not specially target *controlled donors*:

The website and social media accounts are visited by the general public. The newsletter list is comprised of self-selected members of the general public.

VI. Describe measures to be taken to avoid any suggestion that contributors might receive special access or favored treatment from any *agency* or *public servant* of the City:

~~Donors will be made aware that their donations will be for the sole use of HPRC according to stated programmatic and operational usage of funds. Donors will be informed that they will not gain favorable treatment or access with their donation.~~

PART E. Fiscal Sponsor PERSON RESPONSIBLE FOR CUSTODY, ACCOUNTING, AND DISTRIBUTION OF DONATIONS)

Note: This individual may not be employed by the *Sponsoring Agency*.

Name Baltimore Civic Fund

Address 1 N. Charles Street, Suite 1600, Baltimore, MD 21201

Telephone 443.326.8176

Email hyesook@baltimorecivicfund.org

I. Disclose the person or persons within the distributing entity who will be responsible for fund distribution and accounting.

The Baltimore Civic Fund's accounting manager, Tammy Grinnan, is responsible for fund distribution and accounting. The Civic Fund's president, HyeSook Chung, is responsible for reviewing and approving all disbursements. Our program director, Cassandra Sullivan, can provide reports and other information about program account use.

II. Describe how the funds will be held pending distributions, e.g., held in a trust or other dedicated account, in a general account, co-mingled with other funds, etc.

~~The Baltimore Civic Fund holds funds in a co-mingled account wherein every program account is segregated by a unique identifying program account code that is only accessible by the authorized contacts.~~

III. What measures will be taken by the distributing entity to ensure that the donations will actually be used for the intended purpose?

~~The Baltimore Civic Fund keeps records of all supporting documentation given for donations, including grants and other conditional funding. Grants are assigned transaction accounts in our financial system. All disbursements from accounts are initiated by a payment request form completed by the program, and signed by the program's authorized signatory (agency director or designated personnel by the agency director), all payments must align to the stated scope of the program account.~~

IV. What measures are in place to account for the donations? In the event that donations exceed the charitable need, please state how the additional funds will be allocated or dispersed.

~~Donations are inputted into our financial system with supporting documentation uploaded with the deposit. Donations are coded as contributions and grants are assigned grant codes. The Civic Fund sends donors gift acknowledgment letters. The funds remain in the program's account to be used in accordance to the scope of the program unless otherwise directed by the donor.~~

V. Please provide details about the measures that will be taken by the distributing entity to ensure to ensure that controlled donors will not receive preferential treatment.

~~All disbursements need authorization by the Civic Fund program's authorized signatory, sufficient supporting documentation and are made in accordance with the IRS guidelines for nonprofits. For agencies who seek to fundraise, the Civic Fund will request the account's authorized signatory certify that the Agency have gone through Ethics training and will abide by the rules and regulations of the Board of Ethics as it relates to funds raised through its Civic Fund's account.~~

PART F. SIGNATURE AND AFFIRMATION

I affirm under the penalties of perjury that the contents of this Application and of all accompanying attachments are true to the best of my knowledge, information, and belief.

Date: 2/25/2022

FOR: Howard Peters Rawlings Conservatory, BCF

{Type/Print Name of Sponsoring Agency}

BY: Green, Ann Digitally signed by Green, Ann
Date: 2022.02.25 14:40:51 -05'00'

{Signature}

Baltimore City Department of Recreation & Parks

{Type/Print Name of Sponsoring Agency}

3100 Swann Drive, 21217

{Type/Print Office Address}

410-396-0008

{Type/Print Office Telephone Number}

ann.green@baltimorecity.gov

{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES



4/6/2022

Clerk

Date